IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 806 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G.S.R.T. CORPORATION

Versus

BABUBHAI B. RAVAL

Appearance:

MR HARDIK C RAWAL for Petitioner

MR NIGAM R SHUKLA for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 22/06/2001

ORAL JUDGEMENT

1. Heard Mr.Nigam R. Shukla, learned advocate for the respondent.

2. In this Special Civil Application, the petitioner - Gujarat State Road Transport Corporation has challenged the order dated 2.7.1988 passed by the Labour Court, Rajkot directing the petitioner corporation to include the name of the respondent in the waiting list of the

conductor and give him work as and when necessity arises. The respondent was working as conductor as a badli worker with the petitioner corporation. His name was removed from the waiting list on the charge that he had collected fare from five passengers without issuing tickets. Admittedly the respondent workman was served with show cause notice, but no departmental inquiry was initiated and the name of the respondent workman was ordered to be removed from the waiting list of the badli worker by the petitioner corporation. The action of the petitioner corporation of removing the name of the respondent from the waiting list of badli worker cannot be justified in as much as the respondent workman was served with only show cause notice as regards the allegations of collecting fare without issuing tickets - in absence of initiating any regular departmental inquiry. The present case is squarely covered by the principle enunciated in the case of Gujarat State Road Transport Corporation and Another v. Chandulal G. Rasadiya reported in 1993 (2) G.L.H. 204 by the Division bench of this High Court. The Division bench has in clear terms held that the departmental inquiry is a must before removing the name of the badli worker from the list of the badli worker on the ground of misconduct.

2. In view of the above the order passed by the Labour Court does not call for any interference in this Special Civil Application and the petition is liable to be dismissed being devoid of substance. Hence this Special Civil Application is dismissed with no order as to costs. Rule discharged. Interim relief, if any, stands vacated.

22.6.2001. (N.G. Nandi, J.)
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